

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TASER INTERNATIONAL, INC., *et al.*,

Plaintiffs,

v.

MORGAN STANLEY & CO., INC., *et al.*,

Defendants.

CIVIL ACTION NO.  
1:10-cv-03108-JOF

**DECLARATION OF**  
**PETER MELZ**

I, PETER MELZ, declare as follows:

1. I am a Managing Director of Merrill Lynch Professional Clearing Corporation (“Merrill Pro”) in New York, New York. I have been employed by Merrill Pro for 13 years. Generally, I am responsible for managing the day-to-day operations of Merrill Pro. I have personal knowledge of the facts set forth below.

2. I submit this declaration in support of Merrill Pro’s Motion to Dismiss for Lack of Personal Jurisdiction.

3. Merrill Pro is incorporated in Delaware and has its principal place of business in New York.

4. Merrill Pro has never had any office, telephone number, or employees in the state of Georgia.

5. Merrill Pro has never had a bank account in the state of Georgia.

Merrill Pro has received no income in the state of Georgia.

6. Merrill Pro has never owned any real property in the state of Georgia and holds no mortgage or other lien on any real property within the state of Georgia.

7. Merrill Pro's operations, which consist largely of clearing trades for other financial institutions, including broker-dealers, are conducted principally in New York, with some activity in Chicago and Philadelphia. None of Merrill Pro's operations are or have ever been conducted in the state of Georgia.

8. Merrill Pro did not have any customers in the state of Georgia before May 19, 2008.

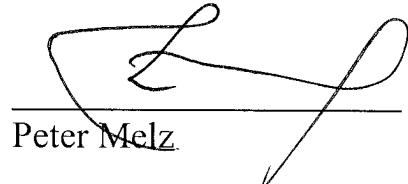
9. Merrill Pro has only one customer in the state of Georgia. Merrill Pro's interactions with this customer are minimal. Some of Merrill Pro's broker-dealer clients have Georgia customers whose transactions flow through Merrill Pro.

10. None of the Plaintiffs in this action is a customer of Merrill Pro, and Merrill Pro has never conducted any business with any of the Plaintiffs.

11. Between January 1, 2003, and May 31, 2009, Merrill Pro had no customers in the state of Georgia who requested Merrill Pro to conduct or participate in short sales of TASER stock on their behalf.

12. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

October 26, 2010



Peter Melz

A handwritten signature in black ink, appearing to read "Peter Melz". The signature is fluid and cursive, with a horizontal line underneath it. The name is printed in a standard font below the signature.